

REMARKS

Allan discloses a control panel 7 having predetermined control members 8 in a depression intermediate the storage space 4 and the disc slot 6 for a digital video disc (DVD) in the overhead bottom 22. Thus, the depression that the Examiner contends to be the recessed area is not defined in a bottom face defining the concave area and does not receive therein the DVD player as recited in claim 1.

Even though Mizoguchi shows a portable DVD player with a pivotable cover, wouldn't it be against the express teachings of Allan to utilize a cover when Allan expressly teaches a disc slot 6, and how and where would the cover be provided in Allan? Also, how is it inherent that a detector or a sensor indicates that the cover of Mizoguchi is closed? There is clearly nothing that would indicate or suggest that a detector or a sensor is utilized or even desirable in Mizoguchi.

Sharp discloses a spring 3 having a U-shaped part (3a) which contacts two terminals (4a, 4b) to detect when the cover of a CD player is opened or closed. However, claim 1 recites a wedge and an extension and a clamp and a hole with a sensor. Assuming that part 3a of Sharp corresponds to the recited extension, what element of Sharp corresponds to the recited wedge and clamp?

It is then respectfully submitted that the Examiner has not provided a prima facie rejection of claim 1. Thus, it is respectfully submitted that the rejection of the claims has been overcome. Favorable reconsideration is respectfully requested.

The Examiner admits that the prior art does not show a protective cap, but simply indicates that "this is very obvious". It is respectfully submitted that this is not a proper ground of rejection. Particularly, as set forth in In re Kaplan, 229 U.S.P.Q. 678, 683 (Fed. Cir. 1986):

In the later case [a mere variation of that invention which would have been obvious to those of ordinary skill in the relevant art], there must be some clear evidence to establish why the variation would have been obvious which can properly qualify as "prior art". Even if obviousness of the variation is predicated on the level of skill in the art, prior art evidence is needed to show what that level of skill was. (Bracketed material and emphasis added).

It is then respectfully submitted that the prior art does not in any way support that applicant's protective cap is within the level of ordinary skill in the art. The only suggestion of the recited construction and arrangement is the hindsight knowledge of the present invention. The Examiner has not provided any prior art evidence supporting his contention, with such evidence being indicated by the Court of Appeals for the Federal Circuit as being needed to

support the present rejection. It is then respectfully submitted that the Examiner must present prior art evidence showing that the modifications that the Examiner apparently concedes are not suggested by the references applied in this official action would be a "choice" to a person skilled in the art.

Claims 4 and 7 have been added further defining the present invention. As the limitations recited in claims 4 and 7 are against the express teachings of Allan, and Mizoguchi provides no suggestion, it is respectfully submitted that claims 4 and 7 are in condition for allowance for this separate and independent reason.

Likewise, claims 6 and 8-10 have been added further defining the clamp securing the wedge. The prior art does not suggest this recitation such that claims 6 and 8-10 are in condition for allowance for this separate and independent reason.

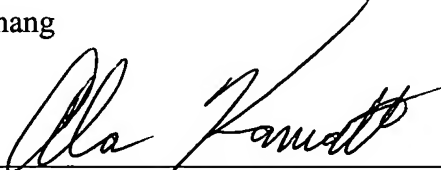
The Examiner has cited the United States Patents listed in NOTICE OF REFERENCES CITED as C-F. By the lack of application of these references and others like them within the classes or subclasses searched, the Examiner apparently recognizes the clear patentability of the present invention over any of these references.

Therefore, since the claims of the present application include limitations directed to the features of the applicant's overhead LCD monitor which are neither shown, described, taught, nor alluded to in any of the references cited by the Examiner, whether those references are taken singly or in any combination, the Examiner is requested to allow claims 1-14 of the present application and to pass this application to issue.

Respectfully submitted,

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